

# Agenda

## Item #3



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

To: Commissioners  
From: Jonathan Wayne, Executive Director  
Date: November 18, 2011  
Re: Recommended Referral of Rep. David Richard Burns for Possible Criminal  
Investigation

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The staff of the Ethics Commission has completed its audit of the 2010 campaign of David Richard Burns,<sup>1</sup> which was financed with public campaign funds through the Maine Clean Election Act (MCEA) program. Because of the findings in the audit (principally Findings No. 2, 3, and 4), the staff of the Commission recommends that you refer this matter to the Office of the Maine Attorney General for possible criminal investigation. The misconduct identified in the audit (misuse of MCEA funds, falsifying documents, falsely claiming expenditures) is very serious but it is also very rare, as is discussed in the final section of this memo. Hundreds of other MCEA candidates in 2010 and over a thousand candidates in the past four elections have used MCEA funds for their intended purpose and adhered to the requirements of the program.

#### **2010 Campaign of David R. Burns**

Rep. David R. Burns ran for the Maine House of Representatives for the first time in 2010. His district is 138, which includes Alfred, Shapleigh, Limerick and Newfield. He financed his campaign with public funds received through the MCEA program and was elected for the first time to the Maine Legislature.

In the 2010 elections, Rep. Burns was authorized to spend \$9,066 in public funds for his election. His campaign finance reports indicated that he spent \$8,863 and returned \$203 in unspent funds to the Commission after the election.

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<sup>1</sup> For purposes of clarification, this enforcement matter concerns State Representative David R. Burns of District 138, and has no connection to Rep. David C. Burns, who represents District 32 in Washington County.

### **Audit of Campaign**

Rep. Burns was selected randomly for an audit of his campaign. The audit began on March 17, 2011, when the Commission's auditor requested documents supporting reported expenditures. (The Commission had previously received some information from Rep. Burns because a private citizen who supported his opponent in the 2010 election filed a complaint requesting an investigation into certain reported expenditures for travel and signs. The complaint was later withdrawn.) During the course of the audit, Rep. Burns engaged an attorney, William P. Logan, Esq., of the firm of Irwin, Tardy & Morris, to represent him in the audit.

On November 4, 2011, the Commission mailed to Rep. Burns' attorney a draft version of the audit report. Also, on the same day, the Commission staff mailed to Rep. Burns' attorney the attached notice that the staff intended to recommend findings of violation of campaign finance law and that the staff would recommend a referral to the Office of the Maine Attorney General for investigation.

On November 16, 2011, Mr. Burns responded to the draft audit report through his attorney. The Commission staff and auditor considered the candidate's response in preparing the final audit report (attached).

The final audit report includes eight findings, including commingling MCEA funds with personal funds, submitting falsified receipts to the Commission, misuse of MCEA funds, falsely claiming three expenditures totaling \$1,295 in campaign finance reports, other reporting violations, and using MCEA funds to pay for a qualifying expense.

### **Recommendations by Commission Staff**

At your November 30, 2011 meeting, the Commission staff recommends that you:

- (1) make the findings of violation listed in the attached Notice of Recommended Findings of Violation against Representative David R. Burns;

- (2) refer the results of the audit to the Office of the Maine Attorney General for consideration whether to initiate a criminal investigation; and
- (3) defer requiring any repayment of public campaign funds or assessing any civil penalties pending a decision from the Attorney General to investigate or the conclusion of a criminal prosecution on matters arising out of the audit.

### **Referral of Misconduct to Office of Maine Attorney General**

Three of the findings in the final audit report describe conduct that appears to be potentially criminal.

#### *Finding No. 2 – submitting falsified receipts.*

During the course of the audit, the Commission's auditor requested receipts or bills for the purchases made by the campaign. On March 27, 2011, the candidate submitted a number of documents by e-mail, including documents that were purportedly cash register receipts for three purchases made by the campaign at two restaurants (Pizza and Wings, the Bistro) and to The Reporter newspaper for advertising. Two days later, the candidate telephoned the Commission staff to disclose that these documents were fabricated. He admitted that one of the transactions (to the Reporter) had never occurred. The candidate maintained that the two reported payments to restaurants actually occurred, and that he used cash to make the payments, but he did not obtain receipts at the time he made the purchases.

Submitting false documents to a government auditor who is conducting a compliance audit is serious misconduct, particularly if the purpose is to support at least one transaction which the candidate knew had been falsely entered into a financial report. The Commission staff believes it is appropriate for the Commission to refer this misconduct to the Office of the Maine Attorney General for possible criminal investigation.

*Finding No. 3 – misuse of MCEA funds for personal expenditures.*

MCEA candidates are required to segregate their campaign funds from their personal funds. Instead, over the course of his campaign, Rep. Burns transferred \$6,711 in MCEA funds from his campaign bank account to his personal bank account.

The candidate spent a significant portion of these transferred MCEA funds for personal purposes, as described in Finding No. 3 of the audit report. For example, Rep. Burns made three transfers of MCEA funds totaling \$2,600 from his campaign account to his personal account beginning on June 14, 2010.

Rep. Burns spent this entire amount of \$2,600 during the 11-day period of June 14-25, 2010, except for a balance of \$77.01 which remained in the personal bank account on June 25, 2010. The audit concluded that none of these payments was related to his campaign. The full extent of the misuse is difficult to ascertain because of the commingling of his campaign and personal funds.

The audit also disclosed that the candidate made purchases from the campaign bank account that he never disclosed in campaign finance reports, including payments of \$118.95 to the Kum Gan Sang Restaurant; \$55.99 to the Boonies; \$18.03 to GMP Gasoline; and a cash withdrawal of \$200. These purchases are discussed in Finding No. 5 of the final audit report. The Commission staff does not accept these as related to his campaign.

*Finding No. 4 – falsely reporting campaign expenditures.*

During the course of the audit, the candidate admitted that three of the reported expenditures totaling \$1,295 never occurred. The Commission staff appreciates that, even with the best intentions to report correctly, candidates and treasurers sometimes make minor reporting errors in campaign finance reports (such as duplicate entries, or omissions). In this instance, however, the staff is concerned about the possibility that Rep. Burns or his treasurer knowingly entered false information in the official spending reports of the campaign.

**Repayment of Public Campaign Funds**

The audit report concludes that the candidate should repay \$2,285.48 to the Maine Clean Election Fund. This is shown in the Summary of Unallowable Expenditures of MCEA Funds on page 12 of the final audit report. One portion of this amount results from expenditures (the Reporter, Signs on the Cheap) which the candidate admits did not occur. The staff also believes the candidate must return \$110.15, which was an impermissible use of MCEA funds to pay for goods received prior to qualifying for public funding and should have been paid for with seed money.

Another portion relates to four reported expenditures (Pizza and Wings, the Bistro, Tim Guinard, Kyle Raine) for which the candidate does not have any proof that he paid the vendor, such as a canceled check, or debit or credit card statement, and lacks any vendor invoice or receipt. The candidate has submitted letters from Mr. Guinard and Mr. Raine to support his contention that his 2010 campaign received services for which they were paid. He has also submitted letters from people who say that they witnessed the campaign meals at the two restaurants. For reasons expressed in the auditor's November 18, 2011 response, the Commission staff recommends not accepting these expenditures.

The staff recommends that the Commission defer any decision to order the candidate to repay a specific amount of public campaign funds until after any criminal investigation or prosecution by the Attorney General.

**Campaign's Reimbursement of Travel Expenditures**

The campaign reported reimbursing \$1,882.40 to Rep. Burns for his campaign travel. In addition, the candidate is claiming that a 7/28/2010 cash withdrawal was to reimburse the candidate for travel. Thus, total mileage reimbursement appears to have been \$2,082.40. Rep. Burns' travel reimbursements significantly exceed the amounts claimed by any other House candidate. While this by itself is no indication of wrong-doing, the auditor believes the Commission should be aware of this fact in considering Rep. Burns' travel reimbursements.

As explained on page 9 of the final audit report, the Commission's auditor has concerns about the reliability of the travel logs submitted by the campaign. Given the misuse of public funds and the falsification of receipts described above, the Commission's auditor cannot with confidence recommend that the Commission accept the reliability of the travel logs and that the Commission allow these expenditures.

The decision whether to disallow the \$2,082.40 in travel reimbursement is an important one for the Commission and for Rep. Burns. The Commission staff would be willing to undertake any further investigation that you would like. Further investigation could include:

- an inspection of the original handwritten travel log;
- an in-person interview of the candidate concerning his travel record-keeping with counsel in attendance, if the candidate would consent;
- an inspection of the electronic record of travel created in excel or other software to determine its date of creation; and
- interviews of former York County Sheriff Wesley Phinney or State Senator Ronald F. Collins who apparently traveled with Rep. Burns while campaigning in 2010.

The Commission could inquire whether the Attorney General's office would be willing to conduct this investigation pursuant to 21-A M.R.S.A. § 1003(4) to assist the Commission in determining whether the \$2,082.40 should be part of the repayment obligation of Rep. Burns.

### **High Compliance Rate Overall**

Overall, the 2010 audit program has demonstrated that the vast majority of Maine Clean Election Act candidates take the legal requirements of the program seriously. In 2010, the Commission staff audited all three MCEA gubernatorial candidates and around 67 legislative candidates (roughly 20%) who participated in the MCEA program. The auditor has already begun working on a summary of the results, and has found, overall, a very high rate of compliance. In the 2010 elections, more than 75% were in full

compliance (with no reporting mistakes or missing campaign records). Most instances of non-compliance were minor, while a few resulted in substantial fines. No other audit in 2010 discovered misconduct that appeared to be criminal.

In the past four elections, around 300 legislative candidates have participated in the program in each election cycle. We have only found a handful who have misused MCEA funds. In past election years, the Commission has recommended two candidates to the Attorney General for misuse of funds (Rep. William Walcott and Debra Reagan in 2006) and two candidates for falsifying records to qualify for MCEA funding (Peter Throumoulos in 2006 and Bruce Ladd in 2008).

If you would like any further information concerning the results of the 2010 audits, the Commission staff would be pleased to provide them. Thank you for your consideration of this agenda item.





STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

November 4, 2011

**By E-Mail and Regular Mail**

William P. Logan, Esq.  
Irwin, Tardy & Morris  
P.O. Box 476  
Newport, Maine 04953

**NOTICE OF RECOMMENDED FINDINGS  
OF VIOLATION AGAINST REPRESENTATIVE DAVID R. BURNS**

Dear Mr. Logan:

Thank you for your submission yesterday of information requested in the audit of the 2010 Maine Clean Election Act campaign of Representative David R. Burns. A draft version of the audit report concerning the campaign is enclosed.

The Commission's auditor intends to present the final audit report to the Commissioners at their next meeting. That meeting is scheduled for 9:00 a.m. on Wednesday, November 30, 2011 at the Commission's office at 45 Memorial Circle in Augusta.

At the November 30 meeting, the Commission staff intends to recommend that the Commission:

- make the findings of violation listed below;
- refer the results of the audit to the Office of the Maine Attorney General for possible criminal investigation; and
- defer assessing any civil penalties or requesting repayment of Maine Clean Election Act funds until after the conclusion of any investigation by the Attorney General.

**Rep. Burns' Opportunity to Respond to Recommended Findings of Violation and Draft Audit Report**

Rep. Burns is invited to respond to the draft audit report and to the recommended findings of violation. If you wish to respond in writing, please submit a response no later than Wednesday, November 16, 2011.

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE  
WEBSITE: [WWW.MAINE.GOV/ETHICS](http://WWW.MAINE.GOV/ETHICS)

PHONE: (207) 287-4179

FAX: (207) 287-6775

The Commission staff will review Rep. Burns' written response. The findings in the audit report and the actions recommended in this notice may be amended based on your client's response.

You and your client are encouraged to respond to the recommended findings of violation through a presentation to the Commissioners at the November 30 meeting.

### **Recommended Findings of Violation**

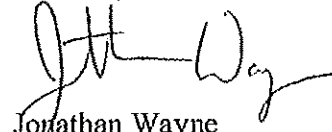
At the November 30, 2011 meeting, the Commission staff intends to recommend that the Commission:

- find that Rep. Burns violated 21-A M.R.S.A. § 1125(7-A) by commingling Maine Clean Election Act (MCEA) funds with his personal funds, as discussed in Finding No. 1 of the audit report;
- find that Rep. Burns violated 21-A M.R.S.A. § 1004-A(5) by making materially false statements in documents submitted to the Commission, as discussed in Finding No. 2 of the audit report;
- find that Rep. Burns violated 21-A M.R.S.A. § 1125(6) by using MCEA funds for purposes that were not related to his campaign, as discussed in Finding No. 3 of the audit report;
- find that Rep. Burns violated 21-A M.R.S.A. § 1004-A(4) by filing campaign finance reports that substantially misreported expenditures, as discussed in Finding No. 4 of the audit report;
- find that Rep. Burns violated 21-A M.R.S.A. § 1125(12) by failing to accurately report expenditures of MCEA funds, as discussed in Findings No. 5 and 8 of the audit report;
- find that Rep. Burns violated 21-A M.R.S.A. § 1125(12-A)(C) and Chapter 3, Section 7(1)(C) of the Commission Rules by failing to keep campaign records as required by law, as discussed in Finding No. 6 of the audit report; and
- find that Rep. Burns violated 21-A M.R.S.A. § 1125(2-A)(A) by using MCEA funds to pay for goods received prior to certification as an MCEA candidate, as discussed in Finding No. 7 of the audit report.

William P. Logan, Esquire  
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November 4, 2011

Thank you for considering this notice of recommended findings of violation. Please call me at 287-4179 if you have any questions about the Commission's consideration of this matter.

Sincerely,



Jonathan Wayne  
Executive Director

cc: Vincent W. Dinan, Commission Auditor



STATE OF MAINE  
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135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

**November 18, 2011**  
**Audit Report No. 2010-HR050**  
**Candidate: David R. Burns**  
**House District 138**

Background

Representative David R. Burns was a candidate for election to the Maine House of Representatives, District 138, in the 2010 general election. Rep. Burns was certified by the Commission as a Maine Clean Election Act (MCEA) candidate on April 28, 2010. MCEA candidates are required under the Act to submit reports of their contributions received, expenditures, outstanding campaign debt, and equipment purchases and dispositions for specified periods during the election cycle.

Audit Scope

The auditor examined selected contributions made to the campaign, and certain expenditures made during the following reporting periods:

- Seed Money (11/05/2008 through 4/20/2010)
- Eleven Day Pre-Primary (4/21/2010 through 5/25/2010)
- 42 Day Post-Primary (5/26/2010 through 7/13/2010)
- 42 Day Pre-General (7/14/2010 through 9/14/2010)
- 11 Day Pre-General (9/15/2010 through 10/19/2010)
- 42 Day Post-General (10/21/2010 through 12/7/2010)

The transactions examined were recorded in the campaign's accounting and banking records. The audit's purpose was to determine if the identified contributions and expenditures (1) were properly approved by the candidate or his authorized representative; (2) were adequately documented as evidenced by original vendor invoices and cancelled checks or other acceptable third party disbursement documentation; (3) were properly reported to the Commission; and (4) complied in all material respects with the requirements of the Maine Clean Election Act and the Commission's rules.

## **Audit Findings and Recommendations**

### **Finding No. 1 – Commingling MCEA Funds with Personal Funds**

David R. Burns received distributions of \$12,944 in MCEA funds during the 2010 primary and general elections. He was authorized to spend \$9,066.25 to promote his election. The campaign treasurer was the candidate's daughter, Angelissa Lewie.

In November, 2010, Rep. Burns returned \$3,877.75 of unauthorized matching funds to the Commission. In February, 2011, he returned another \$203.75 to the Commission at the request of the Commission staff, because his campaign finance reporting indicated that he had spent too much on thank you parties in excess of the amount permitted by Commission Rule.

The audit disclosed that between May 11, 2010 and November 24, 2010, Rep. Burns transferred \$6,711.15 in MCEA funds from his *campaign* bank account at Bank of America into his *personal* checking account at the same bank. The public campaign funds were commingled with his personal funds. This commingling facilitated the candidate spending MCEA funds for personal purposes, as described in Finding No. 2. In addition, during the same period, Rep. Burns transferred \$1,659.65 from his personal checking account back to the campaign bank account. Rep. Burns transferred an additional \$503.64 into the campaign account from his personal account in March, 2011 in order to close the campaign account. Exhibit I to this report provides a comprehensive analysis of the commingling issue.

The auditor examined all of the transfer transactions, following them from the campaign bank account to the personal checking account and from the personal checking account to the campaign bank account. Two transactions seemed related to the campaign: (1) a transfer of \$25 on May 11, 2010 to relieve the account of personal funds used to open the campaign account; and (2) a transfer of \$110.15 on May 28, 2011 which may have been a reimbursement for a payment to R&W Engraving made by credit card on March 17, 2011, and reported as a campaign expenditure on April 23, 2011. (Note: as discussed in Finding No. 7, it appears that the campaign impermissibly used \$110.15 in MCEA funds to reimburse the candidate for goods received prior to certification as an MCEA candidate.) Otherwise, the remaining transfer balance of \$6,576 appeared to be unrelated to any specific campaign expenditure or event.

The \$1,659.65 moved from Mr. Burns' personal checking account to the campaign account consisted of a September 30, 2010 transfer of \$370, and a November, 2010 "counter check" deposit of \$1,289.65 that originated in the personal checking account. Neither of these transactions appeared related to any specific campaign expenditure.

Standard - 21-A M.R.S.A. § 1125(7-A) states that "The candidate ... shall deposit all [MCEA] revenues from the fund ... in a campaign account with a bank or other financial institution. The campaign funds must be segregated from, and may not be commingled with, any other funds."

Recommendations - The Commission staff recommends that the Commission find that the candidate violated 21-A M.R.S.A. § 1125(7-A) by commingling his MCEA campaign funds with his personal funds. The staff recommends deferring the assessment of a civil penalty for this violation.

## **Finding No. 2 – Submitting Falsified Receipts in Responding to the Audit**

When notified that his campaign had been selected for an audit, Rep. Burns provided some but not all of the requested expenditure documentation. On Sunday, March 27, 2011, Rep. Burns e-mailed to the auditor a number of pdf's containing images of invoices or receipts from vendors paid by the campaign. One of the pdf's contained the images of three purported receipts:

- The Reporter, 10/18/2010, \$330
- Pizza and Wings, 11/1/2010, \$135
- Bistro, 11/6/2010, \$250

On Tuesday, March 30, 2011, the candidate telephoned the auditor and informed him that these "receipts" had been fabricated by someone (unidentified) in his campaign and were false. The auditor suggested that Rep. Burns speak to the Commission's Executive Director. In a subsequent conversation, Rep. Burns told the Executive Director that someone had made up the receipts and that they were not real. He also advised the Executive Director that the campaign had not made the expenditure to The Reporter. He maintained that the candidate had, in fact, paid cash to make campaign-related food purchases from Pizza and Wings and the Bistro restaurant, but he had not obtained receipts from those vendors at the time of payment.

Submitting false receipts to a government auditor who is conducting a compliance audit is serious misconduct, particularly in order to support a transaction which the candidate knew to be falsely entered into a financial report. Because of the seriousness of Findings No. 2, 3 and 4 of this report, the Commission staff believes it would be appropriate for the Commission to refer the results of the audit to the Office of the Maine Attorney General for possible criminal investigation.

In addition, because the candidate has produced no documentary proof (such as a receipt) of the food purchased at the two restaurants, and no documentary proof that the establishments actually received payments, the Commission's auditor believes that these reported expenditures should be unallowable (see summary at the end of this report).

Standard – Under 21-A M.R.S.A. § 1004-A, "A person that makes a material false statement or that makes a statement that includes a material misrepresentation in a document that is required to be submitted to the commission, or that is submitted in response to a request by the commission, may be assessed a penalty not to exceed \$5,000."

Recommendations - The Commission staff recommends that the Commission find that Rep. David R. Burns violated 21-A M.R.S.A. § 1004-A by submitting documents in response to a request by the Commission that contained false statements that the vendors received payments reported by the campaign. The staff recommends referring this matter to the Maine Attorney General for possible criminal investigation and deferring the assessment of a civil penalty for this violation.

### **Finding No. 3 – Spending at least \$2,500 in MCEA Funds for Personal Use**

#### *Purchases in June 2010*

Maine Election Law requires candidates to spend MCEA funds for campaign purposes only, and not for any other purpose. The Commission's Expenditure Guidelines clearly advise candidates not to spend MCEA funds for personal expenses.

The audit disclosed that Rep. Burns spent MCEA funds for personal purposes. As shown on Exhibit I, Rep. Burns deposited his initial MCEA payment for the general election on June 14, 2010. During June 14 - 23, 2010, he made three transfers of MCEA funds from his campaign account to his personal bank account totaling \$2,600.

The bank statements for Rep. Burns' personal account indicates that in the 11 days between June 14 and 25, the candidate spent all of this \$2,600 in MCEA funds for personal purchases, except for \$77.01 which was the cash balance on June 25, 2010. The auditor's analysis of the candidate's personal bank account for the month ending June 25, 2010 is attached as Exhibit II. It shows that if Rep. Burns had not deposited \$2,600 in MCEA funds into his personal bank account, it would have had a negative balance of \$2,522.99.

There appears to be no doubt that the entire \$2,600 transferred by Rep. Burns was spent for personal purposes (except arguably the \$77.01 balance on June 25). The campaign finance reporting by Rep. Burns indicates no campaign expenditures during the month of June 2010. Both the candidate's campaign finance reporting and bank accounts indicate that Rep. Burns made exactly two campaign purchases on May 24 and 28, 2010, and then made no campaign purchases until August 2010. (He claims conducting campaign travel beginning on July 17, 2010, but the transactions in June 2010 from the personal bank account seem unrelated to any campaign-related travel.)

#### *Other Purchases*

The full amount of MCEA funds misspent by Rep. Burns from his personal Bank of America account exceeded the \$2,600 transferred in June 2010. Between May and November 2010, Rep. Burns transferred a total of \$6,711.15 in MCEA funds from his campaign account to his personal account. Arguably, a much greater amount of MCEA funds in the candidate's personal account were spent for non-campaign purposes. The exact amount is uncertain, however, because Rep. Burns was spending a mixture of personal and campaign funds that he had commingled in the personal bank account.

In addition, as noted in Finding No. 5, the audit identified ten disbursements from the campaign bank account totaling \$544.55, which the campaign did not publicly disclose as expenditures. The auditor accepts that two monthly maintenance fees totaling \$24.00 could be considered related to the campaign. The auditor questions whether the other \$520.55 in payments of MCEA funds had any relation to the campaign. In particular:

- The candidate admits that a July 30, 2010 payment of \$118.95 in MCEA funds to the Kum Gang San Restaurant was not related to his campaign. Through his attorney, the candidate explains that his wife inadvertently used the wrong Bank of America debit card. (If this July 30 payment was indeed a mistake by the candidate's wife, the candidate made no apparent effort to repay this amount to the campaign account in the remaining three months of the campaign.)
- The candidate paid \$19.03 to GMP Gasoline for gas on November 26, 2010. This was 24 days after the election. Without further explanation by the campaign, the Commission staff rejects this as campaign-related. In addition, Rep. Burns reimbursed himself for all mileage supported by his travel logs. The payment to GMP Gasoline therefore constitutes duplicate reimbursement for his travel, and is not allowable.
- The candidate paid \$55.99 to The Boonies on 10/29/2010 for gas. As discussed above, Rep. Burns reimbursed himself for all mileage supported by his travel logs. The payment to The Boonies for fuel therefore constitutes duplicate reimbursement for his travel, and is not allowable.

Standard – 21-A M.R.S.A. § 1125(6) states in part that "All revenues distributed to a certified candidate from the fund must be used for campaign-related purposes. The candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for any but campaign-related purposes."

Recommendations - The Commission staff recommends that the Commission find that Rep. Burns violated 21-A M.R.S.A. § 1125(6) by spending MCEA funds for purposes not related to the campaign. The staff recommends referring this matter to the Maine Attorney General for possible criminal investigation and deferring the assessment of a civil penalty for this violation.

#### **Finding No. 4 – Falsely Reporting Campaign Expenditures**

During the course of the audit, Rep. Burns admitted that his campaign had reported making three expenditures totaling \$1,295.33, which, in fact, never occurred:

- On September 20, 2010, the campaign filed a financial report stating that it made a 9/6/2010 payment of \$635.33 to Signs on the Cheap for "200 Signs w/ Stakes." When asked for documentation of this payment during the audit, Rep. Burns replied via e-



mail to the auditor that "this reporting was a documentation oversight and was not purchased" without further explanation.

- During the audit, the Commission requested that the candidate document a payment reported by the campaign to the Reporter, a local newspaper serving Waterboro and Alfred, Maine. The campaign had reported paying \$330 to The Reporter on October 18, 2010 for a "1/2 Page Add." Through his attorney, the candidate responded that "This expenditure did not occur. Mr. Burns had this as an item on his campaign 'to do' list. Unfortunately, he believed that the ad had been placed when he was completing his finance report as he worked off[f] his handwritten "to do" list, rather than actual bank accounts and receipts."

The offered explanation seems inconsistent with the timing of the reporting. The campaign first disclosed this payment on December 17, 2010, when it amended the 11-day pre-general report for the second time. (The campaign did not include the expenditure in this report when the campaign first filed the report on October 19, 2010 or when the campaign amended the report for the first time.)

It seems unlikely that on December 17, 2010 (six weeks after the election), Rep. Burns would be misinformed concerning whether or not his campaign had purchased a ½ page advertisement in the local newspaper. Also, when Rep. Burns amended his pre-election report in mid-December, it seems unlikely that he would be relying on a to-do list made in October.

- On December 14, 2010, Rep. Burns filed his 42-day post-general report. The report included a *later* payment of \$330 to the Reporter dated October 24, 2010. In January 2011, Candidate Registrar Sandy Thompson contacted Rep. Burns because his final campaign finance report had a negative cash balance. Rep. Burns responded by e-mail that the October 24 entry in the report was a duplicate, so he had amended his post-election report. Rep. Burns stated by e-mail that "I had entered the ½ page add 2 times so I removed one of those entries." In March 2011, Rep. Burns told the Commission's Executive Director that the expenditure dated October 24, 2010 was a duplicate of an earlier expenditure made to the Reporter.

These explanations to the Commission staff that the reported October 24 payment was a duplicate appear to be false. In fact, Rep. Burns made no payments at all to the Reporter. The Commission staff confirmed this through the office manager for Current Publishing, LLC, which publishes the Reporter.

Standard – 21-A M.R.S.A. § 1004-A(4) states that "A person that files a campaign finance report that substantially misreports contributions, expenditures or other campaign activity may be assessed a penalty not to exceed \$5,000."

Recommendation – The Commission staff believes that Rep. Burns has not offered, to date, a convincing explanation concerning why he falsely stated in campaign finance reports that he made these three expenditures totaling \$1,295.33. In light of the misuse of public campaign funds and the falsification of receipts, the Commission staff is not willing to presume that the candidate entered these three payments in campaign finance reports in good faith. Rather, the staff is concerned about the possibility that Rep. Burns or his treasurer were aware that the candidate would be required to account for all MCEA funds not returned to the Commission after the election, and knowingly entered false information in the official spending reports of the campaign intending that they would be accepted by the state as actual campaign expenditures. The staff therefore recommends that the Commission find that Rep. Burns violated 21-A M.R.S.A. § 1004-A(4) by substantially misreporting expenditures and refer this matter to the Maine Attorney General for possible criminal investigation. The staff recommends deferring the assessment of any civil penalty for this violation.

#### **Finding No. 5 – Unreported Disbursements from the Campaign Bank Account**

The audit analysis of the campaign bank account identified ten disbursements from the account that were *not* reported by the candidate on his campaign finance reports. The transactions occurred as follows:

TRANSACTIONS	DATE	AMOUNT
Monthly Maintenance Fee - Bank	7/30/2010	\$12.00
Cash W/D Card	7/28/2010	\$200.00
Check Card - Kum Gang San Restaurant	7/30/2010	\$118.95
Monthly Maintenance Fee - Bank	10/29/2010	\$12.00
Check Card - The Boonies	10/25/2010	\$55.99
Check Card – CVS	10/25/2010	\$22.58
Overdraft Fee	11/26/2010	\$35.00
Overdraft Fee	11/29/2010	\$35.00
Check Card - GMP Gasoline	11/26/2010	\$18.03
Extended Overdraft Balance Charge	12/2/2010	\$35.00
Total		<u>\$544.55</u>

The auditor believes that the monthly maintenance fees of \$12.00 each on 7/30/2010 and 10/29/2010 relate to operation of the campaign bank account, are legitimate, and should have been reported to the Commission. The remaining eight disbursements which total \$520.55 are unallowable uses of campaign funds.

Standard – 21-A M.R.S.A. § 1125(12) states in part that “participating and certified candidates shall report ... all campaign expenditures, obligations and related activities to the commission according to procedures developed by the commission.”

Recommendations – The Commission staff recommends that the Commission find that Rep. Burns violated 21-A M.R.S.A. § 1125(12) by not accurately reporting all expenditures of MCEA funds. The staff recommends deferring any civil penalty for this violation.

#### **Finding No. 6 – Reported Expenditures in Question (including Travel Reimbursements)**

The audit has identified expenditures totaling \$2,285.48 which have been brought into question due to a lack of supporting documentation or other concerns, as noted in the summary at the end of this report. Four of those expenditures have been discussed in Findings Nos. 2 and 4. The Commission's auditor has concluded that three other expenditures, discussed below, are unallowable. Finally, the auditor has concerns about the basis for reimbursement of mileage expenses to the candidate; however, the issue of whether the expenses as reported are allowable will be left to the judgment of the Commission members.

##### *Reported Purchases of Goods and Services*

As described in Finding No. 7, the audit disclosed that the campaign used \$110.15 in MCEA funds to reimburse the candidate for a purchase of business cards, pins, and a name plate which the candidate received in March 2010, *before* he was certified as an MCEA candidate. The staff believes that this is an impermissible use of MCEA funds.

The candidate has claimed that he paid cash to Tim Guinard (\$475) and Kyle M. Raine (\$350) for services that they rendered to the campaign. Before the initiation of this audit, these two expenditures were questioned in a complaint that the Commission received from Mark Jacobs, a private citizen residing in Shapleigh, Maine who supported Rep. Burns' Democratic opponent in the 2010 elections. In response to the complaint (which was subsequently withdrawn), in March 2011 the candidate submitted letters from Mr. Guinard and Mr. Raine explaining the services that they provided to the campaign for which they were compensated. (In his complaint, Mr. Jacobs described Mr. Guinard as the candidate's cousin and Mr. Raine as the boyfriend of the candidate's daughter. The audit did not confirm whether these descriptions are correct.) Unfortunately, the narrative provided by the campaign leaves the Commission without any documentary proof that Mr. Guinard and Kyle M. Raine received payment, because the candidate claims that he paid them \$475 and \$350 (respectively) with cash. Under 21-A M.R.S.A. § 1125(12-A)(C), MCEA candidates are required to obtain and keep a record (such as a debit card statement or a canceled check) proving that a vendor received any payment of \$50 or more. The campaign also has not produced any documentary proof that the campaign reimbursed the candidate for these \$475 and \$350 payments. Because no proof of payment to the payees and proof of reimbursement have been submitted, these two expenditures are in question.

### *Reported Reimbursements to the Candidate for Travel*

The campaign reported making 57 expenditures to reimburse the candidate for his campaign travel. The campaign seems to have reported – as a separate expenditure – each day of campaign travel for which the candidate has claimed reimbursement. When grouped according to each report period, the candidate has claimed travel reimbursements totaling:

- \$591.04 (42-day pre-general election report)
- \$913.40 (11-day pre-general election report)
- \$377.96 (42-day post-general election report)

The campaign reported expenditures to Rep. Burns for mileage reimbursement totaling around \$1,882.40. In addition to the reported travel expenditures referred to above, the audit found an unreported cash withdrawal of \$200 from the campaign account on July 28, 2010. When asked during the audit, the candidate responded through his attorney that this \$200 in cash was reimbursement for mileage. Thus, total mileage reimbursement appears to have been \$2,082.40.

The Commission's auditor has concerns about the reliability of the travel logs submitted by the campaign. In March 2011, the candidate submitted two logs of his campaign travel in response to the complaint filed by Mark Jacobs. One was a copy of a handwritten log and the other was a copy of a chart of information prepared electronically in Excel or other software. The handwritten log presumably was the base document from which the electronic chart was prepared. The handwritten log does not list the destination of each campaign trip. The candidate also submitted a letter dated March 12, 2011 describing his travel for the campaign.

Through his attorney, Rep. Burns states that the handwritten log was created contemporaneously with the travel and used his odometer to calculate mileage. Of the 57 entries in the handwritten log, only two include a travel destination. Since the travel destination is not listed in the base document, it is unclear how and whether Rep. Burns recorded the destination of each campaign trip and whether there is any basis for the towns listed in the electronic version of the log.

House District 138 is moderately sized and generally similar in size to many other non-urban districts in southern Maine. Rep. Burns' travel reimbursements significantly exceed the amounts claimed by any other House candidate. While this by itself is no indication of wrongdoing, the auditor believes the Commission should be aware of this fact in considering Rep. Burns' travel reimbursements.

Given the misuse of public funds and the falsification of receipts described above, the Commission's auditor cannot with confidence recommend that the Commission accept the reliability of the travel logs and that the Commission allow these expenditures.

Standard – 21-A M.R.S.A. § 1125 (12-A) (C) states in part that “ The treasurer shall obtain and keep ... [a] record proving that a vendor received payment for every expenditure of \$50 or more in the form of a cancelled check, receipt from the vendor or bank or credit card statement identifying the vendor as the payee. Commission Rules, Chapter Three, Section 7(1) (C) state that “A candidate or treasurer must obtain and keep a record of vehicle travel expenses for which reimbursements are made from campaign funds. Reimbursement must be based on the standard mileage rate prescribed for employees of the State of Maine for the year in which the election occurs. For each trip for which reimbursement is made, a record must be maintained showing the dates of travel, the number of miles traveled, the origination, destination and purpose of the travel, and the total amount claimed for reimbursement (emphasis added). A candidate may be reimbursed for vehicle travel expenses at a rate less than the standard mileage rate.”

Recommendations - the Commission staff recommends that the Commission find that Rep. Burns violated 21-A M.R.S.A. § 1125(12-A)(C) and by not keeping records proving that vendors received payments of more than \$50. As discussed below in the summary at the end of the report, the Commission staff has concluded that the expenditure for business cards and other campaign items and the expenditures for services from Mr. Guinard and Mr. Raine are not allowable, but recommends that the Commission defer making any demand for repayment of MCEA funds. The staff does not make a recommendation regarding the travel reimbursements at this time. If the Commission does not believe that it has sufficient information and documentation to allow these travel expenditures or to support a finding of violation and the requirement to repay funds, the staff will undertake any additional investigation as directed by the Commission.

### **Finding No. 7 – Using MCEA Funds to Pay for a Qualifying Period Expense**

Rep. Burns filed his Seed Money Report on April 20, 2010. The report listed no contributions and no expenditures, and as a result, the candidate received \$512, the maximum allotment of MCEA funds for an uncontested candidate in a primary election. As noted in Finding No. 1, the candidate reported a payment of \$110.15 to R&W Engraving on April 23, 2010, in the Eleven Day Pre-Primary reporting period; however, our examination of supporting documentation found that the original payment to the vendor was made by credit or debit card on March 17, 2010, which was during the qualifying period. As far as could be determined, the candidate probably reimbursed himself with a transfer from the campaign account to his personal checking account on May 28, 2010.

The following violations resulted from the actions described above:

- The Seed Money report submitted to the Commission was incorrect; and
- The campaign received goods prior to certification which were paid for with MCEA funds, which is unallowable.

Standard – 21-A M.R.S.A. § 1125(2-A) (A) states that “All goods and services received prior to certification must be paid for with seed money contributions ... B. It is a violation of this chapter for a participating candidate to use fund revenues received after certification to pay for goods and services received prior to certification.”

Recommendation – the Commission staff recommends that the Commission find that Rep. Burns violated 21-A M.R.S.A. § 1125(2-A)(A) by using MCEA funds to pay for services received prior to certification as an MCEA candidate. The staff recommends deferring the assessment of any civil penalty concerning this issue.

### **Finding No. 8 – Misreported Total Campaign Receipts and Expenditures**

The auditor analyzed campaign receipts and contributions reported by the candidate to the Commission for the 2010 election period. The auditor conducted a similar examination of the candidate’s banking records for the same period and then reconciled the two bodies of documentation to identify any unexplained variances.

The examination disclosed the data shown in Exhibit IV. Funds received by, and expenditures made by the Burns campaign, as indicated in the campaign bank statements, significantly exceeded the amounts listed in the candidate’s campaign finance reports. In addition, the analyses showed that the campaign made expenditures significantly greater in amount than the totals reported to the Ethics Commission.

The analytical results are summarized below:

#### **Reconciliation - Finance Reports to Banking Activities:**

Bank Deposits and Transfers In	\$14,628.65
Less: Return of Unauthorized MCEA Funds	(\$3,877.75)
Subtotal	\$10,750.90
Less: Campaign Expenditures Reported by DRB	(\$8,862.50)
Subtotal	\$1,888.40
Add: negative bank balance @12/7/2010	\$503.64
Amount Over-Spent by the Burns Campaign	\$2,392.04

In conclusion, the audit has determined that the Burns campaign accepted funds in excess of MCEA distributions, and made expenditures significantly in excess of the amounts reported in their campaign finance reports to the Commission.

Standard – 21-A M.R.S.A. §1125(12) states in part that “participating and certified candidates shall report ... all campaign expenditures, obligations and related activities to the commission according to procedures developed by the commission.”

Recommendations – The Commission staff recommends that the Commission find that Rep. Burns violated 21-A M.R.S.A. §1125(12) by not accurately reporting all expenditures of MCEA funds. The staff recommends deferring any civil penalty for this violation.

### Summary of Unallowable Expenditures of MCEA Funds

Findings 2, 4 and 6 describe expenditures which the Commission auditor has concluded are undocumented and therefore unallowable uses of MCEA campaign funds:

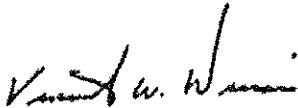
FINDING NO.	TRANSACTION	AMOUNT
2	Pizza and Wings	\$135.00
2	Bistro	\$250.00
2	The Reporter	\$330.00
4	Signs on the Cheap	\$635.33
6	Reported Expenditures in Question	\$935.15
	Total Unallowable Expenditures	\$2,285.48

Based on the information available at this time, the Commission staff believes that Rep. Burns ought to be required to return \$2,285.48 to the Commission, in addition to any penalties assessed by the Commission. The final amount of the repayment could be affected by any investigation conducted by the Maine Attorney General. Therefore, the Commission staff does not recommend that the Commission request that the candidate repay a specific amount at the Commission's November 30, 2011 meeting.

#### Candidate's Comments on Audit Findings and Recommendations

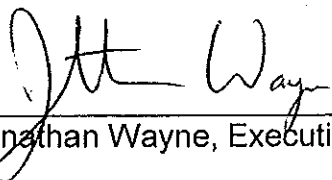
Rep. Burns, through his attorney, William P. Logan, Esq., responded to the audit findings and recommendations in a letter dated November 16, 2011. The letter is attached to this report along with the auditor's remarks on the response.

Respectfully submitted,



Vincent W. Dinan, Auditor

Approved:



Jonathan Wayne, Executive Director

2010 CAMPAIGN AUDIT				
CANDIDATE: DAVID R. BURNS				
ANALYSIS OF THE CAMPAIGN BANK ACCOUNT				
TRANSACTIONS	DATE	AMOUNT	TRANSFERS TO PERSONAL ACCT	TRANSFERS FROM PERSONAL ACCT
Beginning Balance	4/20/2010	\$0.00		
Deposit	4/20/2010	\$25.00		
Ending Balance	4/30/2010	\$25.00		
Beginning Balance	5/1/2010	\$25.00		
Deposit	5/10/2010	\$512.00		
Transfer to Personal Account	5/11/2010	(\$25.00)	(\$25.00)	
Transfer to Personal Account	5/28/2010	(\$110.15)	(\$110.15)	
CheckCard Purchase	5/24/2010	(\$396.19)		
Ending Balance	5/31/2010	\$5.66		
Beginning Balance	6/1/2010	\$5.66		
Deposit	6/14/2010	\$4,144.00		
Transfer to Personal Account	6/14/2010	(\$2,000.00)	(\$2,000.00)	
Transfer to Personal Account	6/21/2010	(\$300.00)	(\$300.00)	
Transfer to Personal Account	6/23/2010	(\$300.00)	(\$300.00)	
Ending Balance	6/30/2010	\$1,549.66		
Beginning Balance	7/1/2010	\$1,549.66		
Transfer to Personal Account	7/1/2010	(\$100.00)	(\$100.00)	
Transfer to Personal Account	7/26/2010	(\$350.00)	(\$350.00)	
Monthly Maint. Fee	7/30/2010	(\$12.00)		
Card Acct W/D ATM	7/28/2010	(\$200.00)		
CheckCard Kum Gang San Restaurant	7/30/2010	(\$118.95)		
Ending Balance		\$768.71		
Beginning Balance	8/1/2010	\$768.71		
CheckCard Spectrum Monthly	8/11/2010	(\$700.00)		
Ending Balance	8/31/2010	\$68.71		
Beginning Balance	9/1/2010	\$68.71		
Transfer in from Personal Account	9/30/2010	\$370.00		\$370.00
Transfer to Personal Account	9/27/2010	(\$60.00)	(\$60.00)	
Transfer to Personal Account	9/30/2010	(\$100.00)	(\$100.00)	
Ending Balance	9/30/2010	\$278.71		
Beginning Balance	10/1/2010	\$278.71		
Deposit SOM	10/13/2010	\$8,288.00		
Ck # 992	10/28/2010	(\$545.22)		
Transfer to Personal Account	10/13/2010	(\$1,000.00)	(\$1,000.00)	
Transfer to Personal Account	10/18/2010	(\$500.00)	(\$500.00)	
Transfer to Personal Account	10/22/2010	(\$800.00)	(\$800.00)	
Transfer to Personal Account	10/25/2010	(\$200.00)	(\$200.00)	
Transfer to Personal Account	10/26/2010	(\$130.00)	(\$130.00)	
Monthly Maint. Fee	10/29/2010	(\$12.00)		
CheckCard Purchase	10/4/2010	(\$270.68)		
CheckCard Spectrum Monthly	10/19/2010	(\$2,086.75)		
CheckCard Purchase - The Boonies	10/25/2010	(\$55.99)		
CheckCard Purchase - CVS	10/25/2010	(\$22.58)		
Ending Balance	10/31/2010	\$2,943.49		
Beginning Balance	11/1/2010	\$2,943.49		
Counter Credit	11/17/2010	\$1,289.65		\$1,289.65
Ck # 993	11/24/2010	(\$3,877.75)		
Transfer to Personal Account	11/8/2010	(\$300.00)	(\$300.00)	



[illegible]

<b>2010 CAMPAIGN AUDIT</b>		
<b>CANDIDATE: DAVID R. BURNS</b>		
<b>ANALYSIS OF JUNE, 2010 PERSONAL BANK ACCOUNT STATEMENT</b>		
Total Deposits and Other Additions	\$4,688.48	
Less: Transfers from Campaign Acct.	(\$2,600.00)	
Adjusted Total Deposits	\$2,088.48	
<b>Reconstructed Bank Statement with Transfers from Campaign Bank Account Eliminated:</b>		
Beginning Balance	\$66.92	
Add: adjusted total deposits	\$2,088.48	
Less: checks posted	(\$1,485.00)	
Less: ATM and debit card transactions	(\$2,626.70)	
Less: service charges and fees	(\$92.95)	
Less: other subtractions	(\$473.74)	
Adjusted Ending Balance	(\$2,522.99)	

MAINE COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES		
2010 CAMPAIGN AUDIT		
CANDIDATE: DAVID R. BURNS		
QUESTIONED CAMPAIGN PAYMENTS		
UNREPORTED DISBURSEMENTS FROM THE CAMPAIGN BANK ACCOUNT:		
TRANSACTIONS	DATE	AMOUNT
Monthly Maintenance Fee - Bank	7/30/2010	\$12.00
Cash W/D Card ATM	7/28/2010	\$200.00
Check Card - Kum Gang San Restaurant	7/30/2010	\$118.95
Monthly Maintenance Fee - Bank	10/29/2010	\$12.00
Check Card - The Boonies	10/25/2010	\$55.99
Check Card - CVS	10/25/2010	\$22.58
Overdraft Fee	11/26/2010	\$35.00
Overdraft Fee	11/29/2010	\$35.00
Check Card - GMP Gasoline	11/26/2010	\$18.03
Extended Overdraft Balance Charge	12/2/2010	\$35.00
Total		\$544.55
REPORTED CAMPAIGN EXPENDITURES WITHOUT SUPPORTING DISBURSEMENT DOCUMENTATION:		
REPORTED EXPENDITURE	DATE	AMOUNT
R&W Engraving	4/23/2010	\$110.15
Tim Guinard	9/8/2010	\$475.00
Kyle M. Raine	9/3/2010	\$350.00
The Reporter	10/18/2010	\$330.00
Total		\$1,265.15

<b>2010 CAMPAIGN AUDIT</b>	
<b>CANDIDATE: DAVID R. BURNS</b>	
<b>FINANCIAL IMPACT ANALYSIS</b>	
<b>Reconciliation - Finance Reports:</b>	
Seed Money	\$0.00
MCEA Allotment - Primary Election	\$512.00
MCEA Allotment - General Election	\$4,144.00
MCEA Matching Funds	\$8,288.00
Subtotal	\$12,944.00
Less: Unauthorized Matching Funds Returned	(\$3,877.75)
Less: Return of Unauthorized MCEA Funds	(\$203.75)
Total Expenditures as Reported	\$8,862.50
<b>Reconciliation - Campaign Banking Activities:</b>	
Total Bank Deposits and Transfers In	\$14,628.65
Less: Return of Unauthorized MCEA Funds	(\$3,877.75)
Subtotal	\$10,750.90
Less: total Disbursements	(\$11,254.54)
Balance at 12/7/2010	(\$503.64)
<b>Reconciliation - Finance Reports to Bank Activities:</b>	
Bank Deposits, net of returned MCEA funds	\$10,750.90
Less: Campaign Expenditures Reported by DRB	(\$8,862.50)
Subtotal	\$1,888.40
Add: negative bank balance @12/7/2010	\$503.64
Amount Overspent	<u>\$2,392.04</u>

IRWIN  
&  
TARDY  
MORRIS

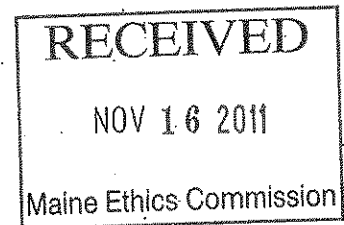
William P. Logan  
wlogan@itmlaw.com

159 Main Street  
P.O. Box 476  
Newport, Maine 04953

207.368.2828 T  
207.368.2822 F

November 16, 2011

Jonathan Wayne, Executive Director  
Commission on Governmental Ethics  
and Election Practices  
135 State House Station  
Augusta, ME 04333-0135



Re: *David Burns Audit*

Dear Jonathan:

I submit the following in response to the draft audit report on behalf of my client, David R. Burns. At the outset, I note that the draft audit report contains a recommendation that certain matters be referred to the Attorney General's Office for possible criminal investigation. Accordingly, I will only provide a limited response to issues raised in the audit report.

First, with respect to the payments made to Timothy Guinard and Kyle Raine, Rep. Burns has always maintained that he paid those individuals in cash. Both individuals submitted letters (previously provided) detailing the work they performed and the payment they received. While it would have been better practice to have paid both individuals by check, there is ample third party documentary evidence from to substantiate those payments as legitimate campaign expenses that should be allowed by the Commission.

I make the following comments regarding the auditor's questioning of Rep. Burns' mileage. First, I must disagree with the auditor's questioning of the reasonableness of the mileage amounts. Apparently, the auditor compared Rep. Burns' mileage with others in an undefined nearby geographic area. Without knowing any specifics as to which other candidates were compared, I lack any foundation to provide a response. However, I will note that I do not believe it is appropriate for the Commission to determine, *post hoc*, a monetary limitation on what expenses are reasonable. Mr. Burns made the strategic (and ultimately successful) campaign choice to focus on an aggressive in person campaign effort. As he noted in his March 12, 2011 letter to Jonathan Wayne, he would canvass an area and then re-canvass the area a few days later. Attached hereto is a copy of a letter from C. Wesley Phinney, Jr. that confirms the extraordinary door-to-door efforts employed by Rep. Burns. The fact that other candidates made other choices as to how to utilize their funds is of little relevance.

Jonathan Wayne  
November 16, 2011  
Page 2 of 2

Mr. Burns kept a contemporaneous hand-written log of his mileage for his door-to-door activities. Also included were certain trips to specific destinations, e.g. Manchester, NH and Augusta, ME that were campaign related. Rep. Burns calculated the mileage travelled using the odometer in his vehicle. As Rep. Burns maintained a contemporaneous log of his campaign travels and calculated the mileage in a reasonable fashion he substantially complied with the Commission's requirements for travel reimbursement. Because of that, and in light of the third-party confirmation as to his door-to-door efforts, the Commission should allow the travel expenses.<sup>1</sup>

Finally, with respect to the questioned expenses at the Pizza and Wings for \$135.00 and the Bistro for \$250.00, Rep. Burns paid for those expenses with cash and does not have the receipts. The expenditures were in fact incurred. In support of those expenses, I attach two letters. The first describes attendance at a pre-election party where pizza and wings were served. The second is from a waitress at the Oak Street Bistro restaurant detailing her observations of Rep. Burns having an election celebration party at that establishment. While the letter is addressed to Jonathan Wayne, I am unsure as to whether it was actually sent to him or if he received it. Accordingly, I enclose a copy. These documents provide third-party support for the reported expenditures. Accordingly, for the reasons previously state, the Commission should allow the expenses as legitimate campaign expenses.

I will be present at the Commission's meeting on November 30, 2011 to provide limited responses and to provide some expanded commentary on the above-referenced issues.

Sincerely,



William P. Logan, Esq.

Enclosures

cc: Rep. David Burns  
Vincent Dinan

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<sup>1</sup> I feel it important to note that the Commission's requirements for mileage reimbursement are well-suited for Point A to Point B travels, they are not well-suited for door-to-door activities as those travels often involving serpentine and overlapping travel routes that do not lend themselves to simple descriptions as required under the Commission's current guidance.

C. Wesley Phinney Jr.  
Former York County Sheriff  
56 Granite Ridge Road  
Waterboro, Maine 04087  
(207)651-6307

March 17, 2011

Dear Mr. Wayne;

I feel compelled to share this letter with you and the members of the commission in regards to the recent allegations over Representative David Burns' campaign mileage and signage. I have known David for several years and know him to be an honest and dedicated man who cares deeply about everything he does. I can attest to being a firsthand witness to the amount of hard work he did and the many miles he traveled during his campaign on a daily basis. David had a unique but very effective method on how he would cover his entire district in a single day. I rode along with David on several occasions and can easily say that we drove anywhere from 70 to 100 miles each time we went out. There were many days that he probably drove more than that. David's strategy was to give the impression throughout his entire district that he was campaigning everywhere and he certainly accomplished that goal. He made it a point to meet people, knock on doors, put up signs, re-visit previous contacts, and visit different businesses in each of his four towns daily. Even the times I drove him around, we easily eclipsed those mileage marks. I can't even begin to say how hard David worked on his campaign. I watched in awe with how he was able to manage his personal job requirements as a consultant while campaigning all at the same time. He would take or make phone calls with his clientele between stops and address any request they made of him. I wondered how he was able to do all of this without missing a beat. His campaigning days began at eight o'clock in the morning and ended around nine o'clock in the evening.

I also helped David place his signs in people's yards and other strategic locations throughout the district when we were out campaigning together. Because of his hard work, He was able to put out many signs starting in early July. They were placed only on private property and at businesses where he had permission from the property owners. Soon after his signs went up they started disappearing or were being destroyed on a continual basis. He had to spend a lot of time driving around and replacing these signs and ordering new ones. Beginning in September he was able to put his signs out without restrictions. So we placed many signs at intersections and still even more in people's yards but, again, to only have many of them ran down or stolen. I know of a few instances where his opponent went to businesses or visited homes where his signs were placed to only complain that they were there. She would say things like "How could you, I thought we we're friends or neighbors" or "I was at your wedding" or "But I was your child's music teacher." At businesses she would challenge them on how she or her supporters used their business and questioned how they could take sides in the campaign. Many of these folks were friends of mine too who I had approached to place signage. As you well know in these rural legislative districts everyone knows each other, in fact I have been friends with the other candidate in this past campaign for many years. We just happen to share different Political Party's and political beliefs on the issues. My friends did not hesitate to share their stories with me and point

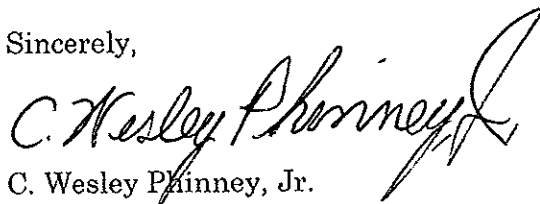
out their discomfort with politics because of these signage location conflicts. I believe that the last thing we should be doing is discouraging folks from being part of the political process.

One particular situation that frustrated David and I tremendously, was when we placed his signs out in these different areas and, they were immediately taken or destroyed. I believe he filed a complaint with your commission concerning this matter. David ended up calling the other campaign and discussed his concerns about his signs. We found it very interesting that the call was made in the evening and the next morning none of his signs were missing or taken down. For several straight evenings preceding that call, many of his signs were tampered with or removed from their locations. Another key and very upsetting thing about all these signage issues was that it only seemed to be happening to David's signs. No other candidate's signs were destroyed or tampered with anywhere near as much as his was. For example: David and Ron Collins, his republican running mate for the district senate seat, went out several times campaigning together throughout the district. They had placed several of their signs on properties alongside one another. When David and I went back by those properties, Ron's signs were still there and David's were gone. The property owners had no idea what had happen to his signs and allowed him to replace them. I worked hard on other campaigns last fall, particularly Senator Jon Courtney's re-election, and I did not experience the sort of signage loss I saw on the Burns campaign.

In closing I would like to add that I, and many others, find it very disheartening that David's character has been subjected to this type of criticism and complaint. It is difficult to understand why a person who worked diligently, kept all necessary records, and campaigned hard to succeed in a political election, is now being criticized, for that successful effort by his opposition. It speaks legions about who David is as a man as he welcomes your commission's efforts to review his practices, records, and efforts in his fall 2010 campaign for election as a Maine Representative to District 138. David's past and present services that he has made on behalf of his country, state, and for his fellow Americans exemplify the sort of person he truly is. David is a man of honor, integrity, and commitment.

Please feel free to contact me if I can offer any further assistance on this matter.

Sincerely,

A handwritten signature in black ink, reading "C. Wesley Phinney, Jr." with a stylized flourish at the end.

C. Wesley Phinney, Jr.



31 March 2011

Linda Goody

PO Box 33

Scarborough, ME 04074

To whom it may concern:

I am writing to confirm that I attended a Pre-Election Party hosted by David Burn's at the end of Oct 2010. The party took place at 186 Gore Rd, Alfred, Maine. There were approximately 20 people or more in attendance, and various foods and refreshments were served at the event including pizza, chicken wings, Barbequed meats, Salads + appetizers.

Sincerely,



Linda Goody

April 1, 2011

Jonathan Wayne  
Executive Director  
Maine Ethics Commission  
135 State House Station  
Augusta, ME 04333

Dear Mr. Wayne,

I am writing this letter on behalf of Mr. David Burns and a loss of some receipts of his campaign money. I am a waitress at the Oak Street Bistro restaurant in Alfred, Maine. I am familiar with the Burns family and saw David Burns one Friday night at the Oak Street Bistro around election time in November. He was at a table with around seven to eight other people having dinner. I saw him and gave a quick, "Hello, how are you?" He mentioned being out for campaign reasons. I am willing to verify that David Burns was likely to have spent a couple hundred dollars that night at the restaurant.

Thank you very much for your time.

Emma Nobles  
215 West Road  
Waterboro, ME  
603-944-7881  
emnobles@yahoo.com

Sincerely,  
Emma Nobles

NOVEMBER 18, 2011

**Auditor's Response to Comments by William P. Logan, Attorney for Rep. David R. Burns, on Findings and Recommendations Contained in the Commission's Audit Report of Rep. Burns' 2010 Campaign Contributions and Expenditures**

Payments to T Guinard and K. Raine – The letters from Mr. Guinard and Mr. Raines indicate they received payment from Rep. Burns; they do not substantiate the payments were made with MCEA funds as required by law. We found no documentation of disbursements from the campaign bank account to these vendors, and therefore, the finding remains unchanged.

Mileage Reimbursements to Rep. Burns - the members of the Commission have expressed concern in the past over the adequacy of documentation that supports large disbursements of public money for mileage reimbursement. We have concerns about reimbursements paid to Rep. Burns based on reasonableness, adequacy of documentation, and our findings of misreporting in other areas of campaign finance. Accordingly, we are asking the Commission to assess the adequacy of documentary support provided by the Burns campaign, to determine if more work is needed before the Commission can accept Rep. Burns' mileage reimbursement claims.

"Pizza and Wings" and "Bistro" Expenditures – the candidate through his attorney contends that these expenditures were actually made and were legitimate campaign expenses. In our opinion, the expense claims are unallowable because (1) the candidate admitted to the Commission staff that receipts supporting these payments were falsified; and (2) no acceptable and reliable documentation of payment has been provided.

Prepared by:

Vincent W. Dinan  
Commission Auditor

**Additional Materials**  
**Submitted by**  
**Rep. David R. Burns**  
**and his Counsel**

**IRWIN  
&  
TARDY  
MORRIS**

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November 3, 2011

Jonathan Wayne, Executive Director  
Commission on Governmental Ethics  
and Election Practices  
135 State House Station  
Augusta, ME 04333-0135

Re: *David Burns Audit*

Dear Jonathan:

I write in response to Mr. Dinan's request for clarification or explanation of certain charges. Please accept the following responses:

1. The 7/28/10 cash withdrawal of \$200.00 was a reimbursement to Mr. Burns for mileage. There is no specific invoice.
2. The 7/30/10 transaction at Kum Gang San restaurant for \$118.95 was not campaign related. The transaction occurred when Mr. Burns' wife inadvertently used the wrong Bank of America card from Mr. Burns' wallet. Unfortunately, Mr. Burns did not notice the wrong card had been used for this purchase. Mr. Burns will of course refund these monies to the Commission.
3. The 10/25/10 transaction at The Boonies was a purchase of gasoline while Mr. Burns was driving around for door to door activities. He does not have an invoice for this transaction.
4. The 10/25/10 transaction at CVS for \$22.58 was to purchase "sticky labels" that Rep. Burns used for his brochures. He does not have an invoice for this transaction.
5. The Bank of America (BoA) 11/26/10 overdraft charge resulted from check No. 993, which overdrew the account. Per apparent BoA policy, the check was honored, but a \$35.00 fee imposed.
6. The BoA 11/29/10 overdraft fee resulted from the 11/26/10 use of the debit card.
7. The BoA 12/2/10 overdraft fee appears to be a monthly overdraft charge imposed for the overdraft carrying over into the month of December.
8. The 11/26/10 transaction at GMP gasoline for \$18.03 was a gasoline purchase. Mr. Burns does not have an invoice.

Jonathan Wayne  
November 3, 2011  
Page 2 of 2

1. **R&W Engraving** – \$110.15. This was paid by Mr. Burn's personal credit card. I believe we have already provided this invoice and payment documentation.
2. **Tim Guinard** – \$475.00. This payment was made in cash. Please see attached letter from Mr. Guinard confirming receipt of payment.
3. **Kyle M. Raine** – \$350.00. This payment was made in cash. Please see attached letter from Mr. Raine confirming receipt of payment.
4. **Home Depot** – \$146.00. Mr. Burns does not have this invoice.
5. **David Richard Burns** - \$591.04. This is a reimbursement for mileage and/or campaign expenses.
6. **The Reporter** - \$330.00. This expenditure did not occur. Mr. Burns had this as an item on his campaign "to do" list. Unfortunately, he believed that the ad had been placed when he was completing his finance report as he worked off his handwritten "to do" list, rather than actual bank records and receipts.
7. **Knight's Painting** – \$465.00. This was paid from Mr. Burns' USAA account by a 10/9/10 check to Greg Knight in the amount of 465.00. The check number is 1144.
8. **David Richard Burns** - \$913.40. This is a reimbursement for mileage and/or campaign expenses.
9. **Campaign Marketing** - \$62.24. Please see the attached statement from Rep. Burns' HSBC Mastercard account showing that the bill was paid by Mr. Burns.
10. **David Richard Burns** – \$377.96. This is a reimbursement for mileage and/or campaign expenses.

Sincerely,



William P. Logan, Esq.

cc: Rep. David Burns  
Vincent Dinan



STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
2 STATE HOUSE STATION  
AUGUSTA, ME 04333-0002  
(207) 287-1440  
TTY: (207) 287-4469

David R. Burns  
186 Gore Road  
Alfred, ME 04002  
Residence: (207) 490-3540  
RepDavid.R.Burns@legislature.maine.gov

March 12, 2011

Jonathan Wayne  
Executive Director  
Maine Commission on Governmental Ethics & Election Practices  
135 SHS  
Augusta, ME 04333

Director Wayne;

Per your request, I have prepared this written testimony and have provided the requested materials for your review. Before I get started, I feel a brief history about me may help you better understand my character. Prior to my being elected in November, I had spent the last 3 years as a self employed contractor working specifically for the DOD as an Information Management Systems Advisor and an Applications Trainer. A majority of my work was with the New England Military Recruiting Operations Departments. I had to, and still do, carry a Level II Security Clearance. The two years before that, I was a City Letter Carrier for the US Postal Service. The 20+ years before that, I served on active duty with the Army and retired in July of 2005. I have also served on the Alfred Board of Selectmen for the last six years as well. My life's work has been serving the public for 26 years and every one of those positions I held required an individual of the utmost integrity and honesty. I have been responsible for millions and millions of dollars and would never ever compromise this over a few hundred bucks!

**Signs:** This is a subject that brings much frustration to me. Since the beginning of June my opponent, Diana Watermen has gone out of her way to nitpick and complain about locations and early placement of signs that I had private property owner's permission to place them in certain spots prior to the normal 60 days out from elections that the state allows. I knew she was not happy about this but I had been out working the area and building my base. When I first started placing my signs out, my first batch of sign did not have the disclosure statement on them but it was a simple misunderstanding on my part that they needed it on them. It was an honest mistake coupled with my not knowing the rules completely. When she noticed or someone close to her campaign did, they placed a call to the Ethics Commission and filed a complaint. I was notified that I need to either write or put sticky labels on them with that statement. I spent the next two days fixing those discrepancies on my signs and ordered new ones with it on them. I missed

one sign that someone else had placed for me and she was able to point out that one sign and complained to the Ethics Commission or someone with an official office. Again I was notified by her to fix that one sign.

She then went on to complain to me that I shouldn't be placing signs at businesses in our district because she and her supporters frequent those businesses too. She even went in to complain to owners and management about displaying my signs and the bad message it sends to her supporters that they seemed to value my business more than hers. One business, Roger Berube Construction, located just down the road from my opponent's house allowed me to place a sign in front of their business. It was a matter of 12 hours and the sign was gone. When I spoke with Roger about the sign, he said he didn't know what happened to it and that I could replace it with a new one. 24 hours later the sign was gone again and Roger was up Maine hunting! I lost at least six signs from that location. On the final stop, I talked with Roger's daughter and she said Diana was by and complained about how he could do that to her after she had spent several thousand dollars with his business to do some work around her home. She then told me that they placed the sign directly across the street the previous night and when I went to check it, it was missing. I did not attempt to place another sign there. She also complained to residents that she knew well from her many years of teaching, on how could they put my signs up when she had a relationship with them because she taught their kids or their grandkids. Again, many of my signs came up missing from people's yards and the property owners did not have a clue what happened to them. I again replaced those signs.

In early September, I had Tim Guinard make me 10 one-sided hand painted signs for \$475.00. He painted them on plywood that I provided and they were blue on red. Though the signs looked good, the colors that I picked were wrong for road signs because they had very little viability until you were right up on them. I took them to another painter, Greg Knight, who had the means for a quick turnaround to have them re-done in a different color. They were done with red and blue on a white background for \$465.00 and were ready in no time. With the 10 signs I placed them back-to-back with two support stakes between them. I had a total of five really nice signs that I was proud of when constructed! I placed the first sign at the intersection of Kennebunk Rd and Swetts Bridge Rd. Within 24 hours, I saw that sign at the foot of the Littlefield River Dam and Spillway and that sign was unrecoverable. The second sign was placed at the intersection of Ida Jim Rd and Mousam Lane. Within three days that sign was ran down and split in the middle. 2<sup>nd</sup> sign gone! The third sign was placed on the infield of the Alpaca Farm and lawn mower race track in Shapleigh. It was placed there for a couple of weekends, by the race announcer, for events which drew local crowds for the mower races. This sign made it through. The Fourth sign was placed up on the corner of Brackett Hill Rd by the narrow bridge. About a week and a half later I moved it to the Mountain Rd next to the Hussey Farm. Both these roads are pass-through roads with some residents but a decent amount of traffic. I had no signs at any residence on these roads so I took advantage of the remoteness but amount of cars that drive on those roads. That sign lasted about two days before it disappeared. This was all happening in a matter of about a two week span in September! When I found that sign gone I was at my whit's end. Why was it only my signs and no other Candidate's? I had lost so many signs and found so many others destroyed or thrown somewhere inconspicuous, and this was mostly happening in my opponent's hometown. At that time I called Sandy Thompson at the Ethics Commission to file a complaint. I explained to her what was going on and she advised me that this was a crime and I needed to notify the Sheriff to file a complaint



with them. Instead I decided I would call Diana and try not to get the Sheriff's Department involved. I wanted to see if we could work this out so it wouldn't come to that. After our conversation she said that she had no clue this was going on but that she would put a message on her Facebook page to ask her "supporters" to stop if it was them. That was the only place she mentioned my issue but miraculously my signs stopped disappearing and were not destroyed for a couple of weeks! Go figure!! But with about three weeks left until the election, the same thing started happening all over again.

Yes, I would say that I probably had three times as many signs in yards and at businesses than she had. But there was no reason for those types of things to be happening to my signs and only my signs. I worked very hard to get them there! The fifth sign stayed with me and was used on weekends when I parked in front of transfer stations within the district or stood on busy corners waiving at traffic passing by. I hope you will understand my frustration with this whole sign thing as it began well before the election with them and with it four months past the election it is still going on with them.

**Mileage:** As I mentioned before, I am a self employed contractor. My work is done through my phone and on my computer. So wherever I am as long as my phone, computer and air card are with me, I am at work. Rarely, during the time period, did I travel out of the area to conduct any business. Pretty much on a daily basis I left my home at around 8:00am and headed to one of the town's local breakfast eateries and had something to eat and mingle with the folks there. After I finished eating I would head out and target three or four businesses to drop off some information such as my palm cards and if I was lucky, stick a sign in the ground. Unlike my opponent, who basically knew everybody and they knew her, I had no reason to chit-chat and reminisce. I was straight to the point, highlighted some issues and explained the information was on my palm cards.

Diana had no palm cards and no handouts. She would spend a lot of her time discussing the issues in detail and she is a very bubbly and talkative person. Of my 20 years in the Army I spent nine of those in recruiting. I always believed that area canvassing (milk run) is much more effective than saturation in one small area. I would look for opportunities such as people working in their yards, garage doors open, social gatherings and things like that to stop in. I would stop at possibly two or three houses per street and move on to the next area a couple miles down. I would ask them to talk with the neighbors and try to leave an extra palm card or two with them to give to the next person. I would return to the area a couple days later and if the opportunity was there stop at the neighbors to see if they had gotten anything about me from anyone in the area and if they were not in, go and see the person I had visited with the time before. This worked so effectively!

When this whole election thing started, I was not supposed to win or even be close. Those that worked with my campaign were even conceding this. They were saying how popular Diana was and with her being a teacher and a recent runner-up for the Teacher of the Year Award for the state she was a lock. I never get in to anything to lose without my best effort, so I knew I had to work extremely hard and outperform her efforts. I became so determined to win that I was out until about 4:00pm. I would then rest at home with my family, have dinner and then head out again around 6:30pm and return home again at about 9:00pm.

Senator Ron Collins had done several ride-a-longs with me as well as the former York County Sheriff (Ret.) C. Wesley Phinney. They could attest to the amount I drove and distances. I pretty much stopped daily at the Boonies Country Store for lunch as it was the midway point of my travels. I also went the town offices regularly visiting with staff. The mileage I claimed was specific from point to point while not claiming hardly any mileage for any deviations I made down some of the many back roads in the district especially during the time I was checking to see if my signs were still in place.

Just to give you an idea of how rural this area is: Alfred 42+ miles of town road, Shapleigh 45+ miles of town roads, Newfield 40+ miles of town road and Limerick 45+ miles of town road. This excludes the many miles of state roads in those towns.

**Kyle Raine:** I met Kyle through my daughter. He has helped me with my campaign since I made the choice to run for State Rep back in the month of February. He has worked so many hours and his effort was key in helping me get elected and giving me an in with the younger voters. He performed such duties as dropping palm cards on peoples door steps in areas that I hadn't made it to yet, Placing, checking for and replacing any missing signs, and picking them up after the primary and election.

He attended a couple of events on my behalf and met with younger aged voters and supporters informing and energizing them and placed some phone calls on my behalf. He stood at polling places and attended all debates as one of my supporters and campaign helpers passing out information packets. He used his own vehicle for his travels and paid for his own gas. I paid him \$350.00 for 35 hours of work which only scratched the service of what time he actually devoted to my campaign. I was very happy to compensate him for his time!

I hope the information I have provided helps in answering your questions and addressing your concerns. If I can further assist please feel free to contact me.

Kind regards,

A handwritten signature in black ink, appearing to read 'D Burns', with a stylized flourish at the end.

David R. Burns  
Maine State Representative

8-0-                      Memphis                      Blue Birds                      134 m.l.s  
 7-5                      ~~Deer to Deer~~                      58 96

8-11	Deer to Deer	58 m.l.s	34.20
7-21	" "	71 m.l.s	31.24
7-22	" "	65 m.l.s	28.60
7-31	" "	89 m.l.s	39.16
8-3	" "	45	19.80
8-5	" "	55	24.20
8-10	" "	70	30.80
8-11	" "	38	16.72
8-21	" "	55	24.20
8-22	" "	65	28.60
8-31	" "	89	39.16
8-3	" "	45	19.80
8-9	" "	70	30.80
8-11	" "	55	24.20
8-7	" "	60	26.40
8-8	" "	39	39.16
8-9	" "	52	22.88
8-11	" "	45	19.80
8-13	" "	55	24.20
8-14	" "	65	28.60
8-15	" "	72	31.68
8-17	" "	89	39.16
8-18	" "	70	30.80
8-19	" "	104	45.76
8-21	" "	65	28.60
8-22	" "	89	39.16
8-23	" "	65	28.60
8-24	" "	45	19.80
8-25	" "	100	44.00

*[Faint handwritten notes and markings at the bottom of the page.]*

✓ 9-20	Dom to Driv	102	45.76
✓ 9-27	" "	52	22.88
✓ 9-29	" "	89	39.16
✓ 9-30	" Augusta "	174	76.56
✓ 10-1	" "	87	39.16
✓ 10-2	" "	102	45.76
✓ 10-3	" "	45	19.80
✓ 10-5	" "	55	24.20
✓ 10-6	" "	70	30.80
✓ 10-8	" "	102	45.76
✓ 10-9	" "	89	39.16
✓ 10-10	" "	102	45.76
✓ 10-11	" "	100	44.00
✓ 10-12	" "	71	31.24
✓ 10-13	" "	55	24.20
✓ 10-14	" "	72	31.68
✓ 10-25	" "	89	39.16
✓ 10-27	" "	102	45.76
✓ 10-28	" "	102	45.76
✓ 10-29	" "	52	22.88
✓ 10-30	" "	55	24.20
✓ 10-31	" "	45	19.80
✓ 10-21	" "	65	28.60
✓ 10-22	" "	100	44.00
✓ 10-23	" "	100	44.00
✓ 10-24	" "	100	44.00
✓ 10-30	" "	45	19.80
✓ 10-31	" "		

**2010 Campaign Travel Log**

Date	Purpose of Travel	Miles	Reimbursement	Claimed
7/17/2010	Door to Door Alfred, Shapleigh, Newfield	55	\$ 24.20	Yes
7/21/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	71	\$ 31.24	Yes
7/22/2010	Door to Door Shapleigh, Newfield, Limerick	65	\$ 28.60	Yes
7/23/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	89	\$ 39.16	Yes
8/3/2010	Door to Door Shapleigh, Newfield	45	\$ 19.80	Yes
8/5/2010	Door to Door Alfred, Shapleigh	55	\$ 24.20	Yes
8/10/2010	Manchester, NH for Palm Cards	134	\$ 58.98	Yes
8/10/2011	Door to Door Shapleigh, Newfield, Limerick	70	\$ 30.80	Yes
8/17/2010	Door to Door Alfred, Newfield	38	\$ 16.72	Yes
8/20/2010	Door to Door Shapleigh, Newfield, Limerick	55	\$ 24.20	Yes
8/22/2010	Door to Door Alfred, Newfield, Limerick	65	\$ 28.60	Yes
8/31/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	82	\$ 36.72	Yes
8/3/2010	Door to Door Alfred, Shapleigh, Newfield	45	\$ 19.80	Yes
8/4/2010	Door to Door Alfred, Shapleigh, Newfield	72	\$ 30.80	Yes
8/8/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick & put out signs	55	\$ 24.20	Yes
8/7/2010	Door to Door Alfred, Shapleigh	60	\$ 26.40	Yes
8/8/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	89	\$ 39.16	Yes
8/9/2010	Door to Door Shapleigh, Newfield	52	\$ 22.88	Yes
9/1/2010	Door to Door Alfred, Shapleigh	45	\$ 19.80	Yes
9/13/2010	Door to Door Alfred, Newfield, Limerick	66	\$ 24.20	Yes
9/14/2010	Door to Door Alfred, Shapleigh, Newfield	65	\$ 28.60	Yes
9/15/2010	Door to Door Alfred, Shapleigh, Newfield	72	\$ 31.88	Yes
9/17/2010	Door to Door Alfred, Shapleigh, Newfield	89	\$ 39.16	Yes
9/18/2010	Door to Door Alfred, Shapleigh, Newfield	70	\$ 30.80	Yes
9/18/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick & Replace missing signs	104	\$ 45.76	Yes
9/21/2010	Door to Door Shapleigh, Newfield, Limerick	65	\$ 28.60	Yes
9/22/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	89	\$ 39.16	Yes
9/23/2010	Door to Door Shapleigh, Newfield, Limerick	85	\$ 38.60	Yes
9/24/2010	Door to Door Alfred, Newfield	45	\$ 19.80	Yes
9/25/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick & put out signs	100	\$ 44.00	Yes
9/26/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick : Candidates Debate	102	\$ 44.88	Yes
9/27/2010	Door to Door Alfred, Shapleigh, Newfield	52	\$ 22.88	Yes
9/28/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick : Candidates Debate	99	\$ 39.16	Yes
9/30/2010	Augusta, ME for Candidates Training	174	\$ 75.56	Yes
10/1/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	85	\$ 38.16	Yes
10/2/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick & put out signs	102	\$ 44.88	Yes
10/3/2010	Door to Door Alfred, Shapleigh, Newfield	45	\$ 19.80	Yes
10/5/2010	Door to Door Alfred, Shapleigh, Limerick	70	\$ 30.80	Yes
10/6/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick & Replace missing signs	102	\$ 44.88	Yes
10/9/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	89	\$ 39.16	Yes

Date	Purpose of Travel	Miles	Reimbursement	Claimed
10/10/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	102	\$ 44.88	Yes
10/11/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick & Replace missing signs	102	\$ 44.00	Yes
10/12/2010	Door to Door Alfred, Newfield, Limerick	71	\$ 31.24	Yes
10/13/2010	Door to Door Alfred, Shapleigh, Newfield	55	\$ 24.20	Yes
10/14/2010	Door to Door Alfred, Shapleigh, Newfield	72	\$ 31.68	Yes
10/20/2010	Door to Door Shapleigh, Newfield, Limerick	55	\$ 24.20	Yes
10/21/2010	Door to Door Newfield, Limerick	45	\$ 19.80	Yes
10/22/2010	Door to Door Alfred, Shapleigh, Newfield	55	\$ 28.60	Yes
10/23/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	100	\$ 44.00	Yes
10/24/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	100	\$ 44.00	Yes
10/25/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	88	\$ 39.16	Yes
10/27/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	102	\$ 44.88	Yes
10/28/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	102	\$ 44.88	Yes
10/29/2010	Door to Door Alfred, Newfield	52	\$ 22.88	Yes
10/30/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick	100	\$ 44.00	Yes
10/31/2010	Door to Door Alfred, Shapleigh	45	\$ 19.80	Yes
11/1/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick (128 Miles)	5	-	No
11/2/2010	Door to Door Alfred, Shapleigh, Newfield, Limerick (148 Miles)	5	-	No
Totals:		4289	\$ 1,897.16	

March 13, 2011

I am sending this letter in regards to a request made of me by David Burns from Alfred, ME. During the month of September David asked me if I would paint some signs for his campaign, as I have painted signs for people in the past. He asked me to paint 10 signs. He first brought some old plywood from his parents farm but it was to weathered and warped because it had sat outside for some time. I still attempted to paint a couple of signs with a blue on red scheme. I was unhappy with the results because the material was in poor condition. He then brought me some new plywood that I think he purchased at Home Depot and the sheets were already cut. When the signs were completed I was not happy with the results because the color scheme, navy blue on dark red was not the best choice and they did not show up very well from a distance especially at night. I know he put a couple of signs out at the end of Kennebunk road but again he was not happy with how they just looked and they did not show up the way he expected. He paid me \$475 and said that is basically what the quotes were for hand painted signs he got. Basically that was the end of our deal. I know David was not happy with the results because the color scheme he chose was pretty much wrong for viewing at a distance.

I guess David then chose to have the signs redone by someone who was better suited to paint the signs faster and used a different color scheme which was a blue on white that matched his printed signs.

If I can be of any further assistance please let me know.

Sincerely,



Timothy R. Guinard  
1 Burns Lane  
Alfred, Me 04002

To whom this may concern,

My name is Kyle Raine and I am writing this letter by Mr. Burns' request. When Mr. Burns started his campaign back in the February time frame he asked me to assist in spreading the word about his election and when his signs came in to place them in people's yards and at intersections in the towns. I was happy to do this for him and beginning in April 2010 when his signs and pamphlets came in I went out and did many doors and placed many signs in the towns. I would say that I pretty much did it every weekend until the election and quite a few nights during the week. I easily spent 100 or more hours helping with his campaign. I went out sometimes with him and most of the time on my own. When I went out on my own I used my vehicle and my gas. I even made phone calls and guest appearances at some meetings that he could not make or he was campaigning at handing out his cards and pamphlets. Near the end of the election Mr. Burns offered me some money for all my hours of work and my gas for all the work I did. He paid me \$350.00 saying that he knows this was little money for the many hours of work I did and the gas and miles I drove. I was very happy that he did this for me but I was also happy to do the work for him and help him win the election. He did explain to me when I got paid that he was only going to pay me for 35 hours of work at \$10 an hour. Again, I was happy just to have worked the many hours I did.

Thank you,



Kyle Raine  
(207) 590-8002